

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SALISBURY,

No. C-06-2993 MMC

Plaintiff,

**ORDER STRIKING AMENDED
COMPLAINT WITHOUT PREJUDICE**

v.

DET. MICHAEL WARD et al.,

Defendants.

_____ /

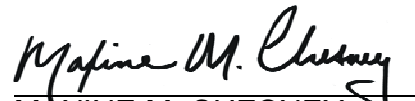
On August 4, 2006, plaintiff filed an amended complaint. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, “[a] party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served.” See Fed. R. Civ. P. 15(a). Here, however, answers were filed by two of the defendants long before plaintiff filed his amended complaint. See Docket Nos. 6 and 9. Under such circumstances, “a party may amend the party’s pleading only by leave of court or by written consent of the adverse part[ies.]” See Fed. R. Civ. P. 15(a). Because plaintiff failed to file a stipulation of the parties, or to seek permission from the Court, prior to filing his amended complaint, the filing of said complaint was in violation of Rule 15(a).

Accordingly, the amended complaint is hereby STRICKEN from the record without prejudice to plaintiff’s obtaining a stipulation from the parties, or seeking an order from the

1 Court, permitting such complaint to be filed.

2 **IT IS SO ORDERED.**

3 Dated: August 7, 2006

4 
MAXINE M. CHESNEY
United States District Judge